

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHARON HALE-WELLS

Plaintiff,

VS.

WELLS FARGO SERVICES,

Defendant.

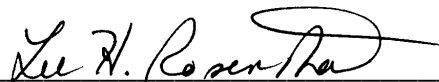
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CIVIL ACTION NO. H-04-4715

ORDER DENYING MOTION TO DISMISS

Wells Fargo moved to dismiss this race and pregnancy discrimination claim on the basis of limitations. (Docket Entry No. 6). Plaintiff, Sharon Hale-Wells, alleged in her complaint that she received her Notice of Right to Sue from the EEOC on July 27, 2004. This civil action was opened on December 10, 2004, when the application to proceed *in forma pauperis* was granted. Wells Fargo assumed that the complaint was filed on that date, well after the ninety-day deadline established by the statute. 42 U.S.C. § 2000e-5(f)(1). A review of the response filed by Hale-Wells and of the court records reveals that the complaint was timely filed, on the last day of the ninety-day period, October 25, 2004. The complaint was filed under a miscellaneous file number, 04-mc-328, until the application to proceed *in forma pauperis* was granted. At that time, the file was given a civil action number. The complaint was timely filed and the motion to dismiss is denied.

SIGNED on May 31, 2005, at Houston, Texas.



Lee H. Rosenthal
United States District Judge